

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:
v.	: Case No. 3:10-cr-7-KRG-KAP
BERT WILLIAM JOHNSON,	: (Case No. 3:13-cv-111-KRG-KAP)
Movant	:

Memorandum Order

The motion for reconsideration at docket no. 259 was referred to Magistrate Judge Keith A. Pesto under 28 U.S.C. § 636(b)(3) and Local Civil Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on September 11, 2015, docket no. 260, recommending that the motion be denied.

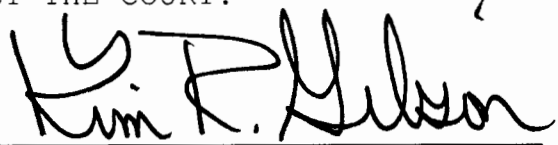
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Movant sent correspondence dated June 19, 2015 in an envelope dated September 24, 2015, that can be taken to be a new petition for a writ of habeas corpus under 28 U.S.C. § 2241, seeking a nunc pro tunc designation of state prison as a place of service of his federal sentence. Movant has not however filed timely objections to the Report and Recommendation at docket no. 260.

After de novo review of the record, the Report and Recommendation, and subsequent correspondence, the following order is entered:

AND NOW, this 5th day of October, 2015, it is

ORDERED that the movant's motion for reconsideration at docket no. 259 is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall copy the correspondence at docket no. 261 and docket it, with a new civil case number, as a new petition for a writ of habeas corpus under 28 U.S.C. § 2241. That petition is referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation under 28 U.S.C. § 636 and Local Civil Rule 72 for Magistrate Judges.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Bert William Johnson, Reg No. 31503-068
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